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**ICANN Transcription**  
**Transfer Policy Review PDP WG**  
**Tuesday, 28 June 2022 at 16:00 UTC**

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**JULIE BISLAND:** Good morning, good afternoon, good evening, everyone. Welcome to the Transfer Policy Review PDP working group call taking place on Tuesday the 28th of June 2022.

For today's call, we have apologies from Steinar Grøtterød (At-Large) and Jim Galvin (RySG). They have formally assigned Lutz Donnerhacke (At-Large) and Beth Bacon (RySG) as their alternates for this call and for remaining days of absence. As a reminder, an alternate assignment must be formalized by way of a Google assignment form. The link is available in all meeting invite e-mails.

All members and alternates will be promoted to panelists. Observers will remain as an attendee and will have access to view chat only. If you have not already done so, please change your chat selection from hosts and panelists to everyone in order for all participants to see your chat and so it's captured in the recording. Alternates not replacing a member should not engage in the chat or use any of the other Zoom Room functionalities.

Statements of Interest must be kept up to date. Does anyone have any updates to share? Please raise your hand or speak up now. And seeing no hands, please remember to state your name before

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speaking for the transcription. Recordings will be posted on the public wiki space shortly after the end of the call.

And as a reminder, those who take part in the ICANN multistakeholder process are to comply with the expected standards of behavior. Thank you, and over to our chair, Roger Carney. Please begin, Roger.

ROGER CARNEY:

Thanks, Julie. Welcome everybody. Our first post ICANN 74 meeting. I'd want to start out by acknowledging and thanking the group. We hit our first major milestone last week by publishing our Phase 1A work for initial comments. So I want to thank the group for continuing to do great work and keeping to the timelines. I know we had a few open items, questions that we took to public comment, but I think we can get those easily addressed in that comment period. But a great milestone. Again, I think that it shows that when the group wants to get work done, we can get it done on schedule and make great progress. So thanks to everyone for that.

Moving on from there, ICANN 74, we did start our next phase, our 1B topic of change of registrant. So we're going to take a good dive into that. And staff will walk us through some of the timelines that we have set up for that. So a good part of this meeting today will be about getting our expectations aligned, where we're moving and how we're going to get there.

And then we'll jump into some actual work that we will continue from our ICANN 74. We did a great job of digging into that early in

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the meeting at ICANN. And it was great that it seemed like there was good support for continuing with a change of registrar policy, possibly, but making some modifications to the current one. So I think we're running down the path quickly here. So I think we're looking good here. And we have a good start.

But first, I want to drop over and do our normal call out for any of the stakeholder group members that want to bring forward any discussions they've been having over the last few weeks about any of the topics. Again, I think right now, anything open, even from the 1A session or 1A phase to the 1B phase, anything seems valid right now, but if anyone has anything that their stakeholder groups have been talking about that they want to bring forward, I'll open up the floor to those, any comments from them. So anyone?

Okay, again, hopefully we touch on that every week. And if any of the stakeholder groups have anything to bring forward, feel free and we can get it documented and hopefully some responses back on any comments. I think with that, we can actually jump into our agenda. So maybe I'll turn this over to Emily.

EMILY BARABAS:

Hi, Roger. Hi everyone. I think our next agenda item is to talk just a little bit about the upcoming schedule for July and August. And Roger, you teed this up really nicely.

So as Roger mentioned, the public comment period is now running for the initial report for phase 1A. It opened on the 21st of June. And it's scheduled to close on the 2nd of August.

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So you've probably seen in your inboxes that you've received invites for weekly calls scheduled through August 9<sup>th</sup>. What we're looking to do here, between now and August 9<sup>th</sup> is to spend a little bit of time diving into some of these fundamental questions around change of registrant and hopefully make a bit of progress on those.

The idea is that we're going to take a little pause in the second half of August, so we'd be skipping three calls in August, and then resume again September 6<sup>th</sup>. And during that period of time, in the second half of August, we're going to be asking folks to take some time to review the public comments on the 1A report so that everyone is familiar with those and ready to discuss when we return in September.

Just taking a step back, you may recall from the work plan—it's been a little while since we discussed this, but the goal is to talk a bit about the public comments and figure out if adjustments need to be made to the 1A recommendations. We have about a month to do that. So early September to early October. And then the idea is to dive back into change of registrant and look at some of the more specific issue areas related to that. And then the target date for our phase 1B initial report delivery is the end of March next year. So that's it's currently set at March 29<sup>th</sup>.

And then in the next agenda item, we'll talk just a little bit about some of those topic areas that we touched on at a very high level during ICANN 74. But just to refresh everyone's memory about what the trigger questions are about and some of the work plan planning work that we did at the beginning of phase 1A where we polled folks about the sequence of topics and about how long we

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needed, how much time we need to allocate to them in the work plan. So we'll review that in a couple minutes. But I'll pause first and see if there are any questions about the July and August schedule.

ROGER CARNEY:

Thanks for that. Emily. Yeah, and I'd just like to add, August, summer is kind of hard for some people. August being sometime when the US gets back to school for a lot of the kids and colleges and everything and a lot of holidays happening in Europe and everything. So I think that that was one of the goals of taking a few weeks off in August, but also, the timing worked out almost perfect for that public comment coming in. I think, though we won't have any meetings, I'm hoping the group will take their leisurely time, but take a look at those public comments so that they're ready to be discussed when we get back to it in September. So again, I think the timing worked out perfect for us for getting to both of those things. So again, if anyone has any questions, but I think that that's going to work out great for us. Thanks. Okay, I don't see any comments or anything. So Emily, do you want to take us through ...?

EMILY BARABAS:

Thanks, Roger. So what we're going to do next—and I won't read through every charter question, but just hit on some of the high points of what's covered here in the charter so we can keep that in mind as we make decisions about how to structure some of these conversations and make sure the sequencing still makes sense.

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So here's phase 1B and the charter. Let me just drop the link if anyone wants to follow along. So the first three charter questions we started to touch on at ICANN 74. These are really the gating questions. And at a very high level, they're asking, does change of registrant as a policy still make sense to have? If it makes sense to keep it and changes might be needed, what kinds of changes might those be at a high level? And then should there be a separate or combined policy for inter registrar transfers and change of registrant? Those are sort of the big container questions.

There's a little bit of discussion back and forth about this specific scenario in D3 that's referenced in these sub bullet points. And then going back to Compliance a little bit and having some more discussion, I think this was a very specific use case that I think some Compliance folks have maybe captured, historically, related to thin domain names. I think the scenario has really been overtaken by events. And the bigger question that is in question here is really about this question of when a change of registrant happened simultaneously with an inter registrar transfer, is there a special set of requirements that need to happen to sort of recognize that maybe the information has been entered with the gaining registrar that's different from what it was with the losing registrar? So obviously, we'll get into more conversations about that. But I think just so we don't get bogged down on that specific scenario, I think that that can more or less be disregarded as something that needs to be addressed specifically. Theo, please.

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THEO GEURTS:

Thanks. So after our meeting in The Hague, I've been thinking a little bit if there shouldn't be another question that we should ask ourselves. And that is, if the change of registrant policy is maybe or maybe not in violation of the GDPR in regards of the accuracy principle. And the accuracy principle, even though it has a slightly different meaning within the ICANN community for several reasons, the accuracy principle is basically there within the GDPR to make sure that you as a data subject, you can correct your data when your data has become inaccurate. And that's for good reason, because inaccurate data can lead to all kinds of potential problems. So the accuracy principle within the GDPR makes sure that you can modify the data, either at Netflix, Amazon, or your insurance company, whatever you need to change there.

Now, in the spirit of the principle, basically, the bar is set on how easy you enter the data into a system or in a service or in a domain name registration. So if you can add the data really simple without any barriers, then that is the bar. Now when you register a domain name, that is—which most of the registrars and resellers and hosting companies [inaudible] that is a most barrier free process.

However, when we look at the change of registrant policy, the bar suddenly becomes higher. First, of course, there are certain fields that are marked as a material change. If an email address is no longer functioning, things can get really weird. I've seen some really weird stuff at resellers going through procedures that were in violation of the GDPR. I actually assisted a few resellers with those issues with the data protection authorities. So the bar becomes much higher. So there could be an issue with the GDPR.

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I'm not saying that there is, because we don't have any sort of verdicts from any data protection authority on this specific case. But we also cannot rule it out. Thanks.

ROGER CARNEY:

Great, thanks. A great question to bring up. And I think you hit really on the topic where we can take a look at that. And that's in that material change discussion. So when we start talking about that, I think you're right, I think that's important to start looking at and determining what truly is a material change, to your point, Theo, and taking a look at the accuracy requirements out of GDPR. Again, not just GDPR, but any of the data privacy requirements or legislation. So great call out, and definitely need to take a look at that.

EMILY BARABAS:

Thanks, Roger. So we're going to be coming back to D1, D2 and D3 in the second half of this call. But unless there's any questions that are high level, I think maybe I'll dive into the other trigger question areas briefly before we circle back to discussion. And I don't see any comments yet.

So the next topic is a series of questions that are all pretty closely related to one another about the 60-day inter registrar transfer lock that's imposed following a change of registrant unless their RNH has previously opted out.

And the big question here, there's been quite a bit of mixed feedback in the transfer policy status report and some data showing that there have been issues with this lock. And so these

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questions really all get at the same key question, which is, what should happen with this lock under the current circumstances and given the data available?

So the first question looks at whether the 60-day lock meets the objectives set up by IRTP Part C which are somewhat connected to the issue of—or very much connected, actually, to the issue of domain name hijacking. So this idea that if you contain the changes within the same registrar, it's easier to manage that. And so I guess the question is, has this been effective? Are there other means to meet the same goal that are maybe less burdensome to the registrant?

D5 focuses on if the lock is kept, whether there should be a way to remove that lock once it's put into place. D6 focuses on the question of—given changes under data privacy law that less information is publicly available, is there a change to the underlying problem? Is the risk of hijacking lower and therefore does that impact the need for something like this?

And D8 focuses on some fairly specific areas of the policy language. So if it's decided that the 60-day lock remains in place and the group just wants to tinker around the edges, there are some specific areas of the policy language that Contractual Compliance has identified as being either confusing or not sufficiently clear that the group can take a look at. Any questions about the questions themselves?

Okay, the next area is specifically about privacy proxy services when those come into play. So you'll likely remember—and if this is unfamiliar, please do take a look at the final issue report, which

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lays out some of the history and some of the relevant documents. But in brief, the policy recommendations from IRTP Part C didn't specifically speak to the question of cases where privacy and proxy services are used.

And ICANN Org interpreted the policy recommendations in such a way that in putting IRTP Part C into effect, the idea was that when any change was made to the public WHOIS data, the change of registrant requirements including the 60-day lock would apply. And just as that was about to come into effect, the GNSO Council, using inputs from the Registrar Stakeholder Group, reached out to the Board and Org and said this is not feasible from an implementation perspective and ultimately, contractual compliance enforcement was deferred pending future policy work. And this is that future policy work.

So the working group is asked to look at these sort of fundamental questions about should change of registrant apply in the circumstances where privacy and proxy services are being used. There are some specific scenarios that the Registrar Stakeholder Group has previously identified to look at more specifically. And so those are referenced here, although the working group could identify other scenarios that are relevant.

And then there are two additional questions. One is about whether the policy should be the same regardless of whether it's a privacy or proxy service, and if not, what differences there should be. And D11 focuses specifically on notifications for privacy proxy customers regarding change of registrant and whether changes are needed. Any questions about those charter questions or clarification questions about this topic?

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Okay, the next cluster of questions is about the designated agent function. So in the response to the survey as part of the transfer policy status report, the Registrar Stakeholder Group had stated that there's an overuse of the designated agent, which was basically circumvented the policy. So the first question is about whether the working group sees this as the case currently and what the impact of that is.

D13 essentially asks, if it's not working, what needs to change? And D14, what are possible alternatives if changes need to be made? So again, these are all very closely tied questions and can likely be answered sort of in combination. D15 asks whether the flexibility that's currently provided in the language of the policy is appropriate and sufficient, and if not, whether there needs to be more specificity. And D16 sort of digs into that a little bit more about certain areas where there could be more specificity in the language. Any questions about the questions on that topic?

Okay, and then there's just one additional question about another note from the Registrar Stakeholder Group in its response to the policy status report, specifically looking at the idea of using EPP notifications, allowing gaining and losing registrants to approve the change of registrant or reject it. So this is just asking if that proposal should be considered further at this stage.

And then the final section is similar to Phase 1A where we had a few items from the wave one recommendation 27 report, if you'll recall those, that is the ICANN Org analysis of the impact on other policies of the EPDP Phase 1 recommendations. There are some items that are applicable to change of registrant in that report as well and likely, we can sort of handle those in the same way we

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did for phase 1A, which is once we've answered some of these other questions, we should have a pretty good sense of where things are headed and staff can do some drafting in the background for the group to review, if that seems appropriate. Any questions about those last few questions?

Okay, so the last thing I wanted to go over is just what we've allocated in the work plan for these different topics. So the group decided, I think initially, in looking at the charter questions way back in the beginning, that it would probably be appropriate to look at these in the order that they're presented in the final issue report and in the charter, although there is flexibility to change that if it seems appropriate. So we can have some more discussion as we go, whether it makes sense to reorder these or just continue to power forward in this order.

In the work plan itself, we allocated based on feedback from the group to spend about six meetings or about 40 days—and this is all approximate—the overall policy questions, about six meetings on the issue of 60-day lock, about five meetings on privacy proxy, about three meetings on designated agent, two on that additional question, and two meetings on the wave one rec 27 report.

And I think it's entirely possible that we'll spend a bit more time on some of these big picture questions and a bit less on some of the stuff at the end. But that's up to the group, of course, to determine. And as we did in phase one, it's also of course possible to look at some of these issue areas in conjunction and kind of go back and forth as necessary to be iterative in drafting the responses to the charter questions and the recommendations. So I think that's all

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we had for this agenda item. Roger, I'll pass it back to you. And of course, happy to answer any questions. Thanks.

ROGER CARNEY:

Great. Thanks, Emily. Again, I think just to kind of get a level set of what we're kind of expecting and what we see for this, since we haven't looked at the Phase 1B stuff since a year ago. And basically, all we did was walk through the plan and allocate some time to it. So I think it's good to take a look back at that and see what we were thinking and how we were planning to move forward. So it looks like we have a good plan. And I think as Emily mentioned, obviously, these aren't static numbers. If we ended up having to take some more time here there, flexibility is there.

Touching back on a few of the documents that Emily mentioned. I think there's three pretty important documents for this phase of work. And obviously, the section two of the current policy, but also the issues report and the charter I think would really provide a good direction for us. The charter does take a lot of direct ideas from the issues report, but there's a lot more detail in the issues report, so I think it's useful to look at that and see the thinking behind some of those charter questions and get a better feeling for why they popped in there.

But I think with that background, we can jump into our discussions on D1, D2, and any of the other ones. But let's get started on our discussions of D1. We made pretty good progress on this, I think, at ICANN 74. I think D1 was a very gating question. And I think that the feeling I got from the group when we talked about it was that D1, the answer is yes, the policy still makes sense. Is it

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achieving its goals? Maybe not. So maybe we need to look at tweaking some of those big items, what is a material change, the 60-day lock, the opt in, opt out, the designated agent, all those things are pretty impactful. And the charter questions actually get into most of those. So I think we have that opportunity to take a look at those questions and review them holistically and say, "Okay, does that make sense?"

I know Jim's not here and Beth's taken over for Jim, but Jim's first step is always a step backwards, almost. He always wants to look at the why. And I think that some of the things that are gleaned, and if we take a look at the notes from the ICANN 74 meeting, pulling through the reasons for the change of registrant to exist anyway, the security and the fact of trying to limit theft and hijacking as much as possible.

And I think there's some things security-wise maybe we can do so that we can make this happen. And obviously, as we discussed in phase 1A, there's some security items. We can't fix when someone's account gets hacked. But there are some items in there that we left open in Phase 1 even that maybe we can carry forward, not being prescriptive in the notices having to be in email.

And one of the problems there, when hijacking happens, is typically the hijacker has access to their email as well. So if we leave that open again and allow registrars to communicate and other mechanisms, for example, SMS or Facebook, whatever, it provides a different level of security that possibly could help against that fact that most hijackers probably have access to their email as well. But that's just high-level discussions. And again, I think what I heard from our last meeting, I think that, yes, the

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change of registrant is still important, the goals are still important. We're trying to stop hijacking and make the process standard so it's well known from registrar to registrar. A registrant that has names in multiple places or trying to move has that same experience.

So I think that we can jump in and hopefully, we touched on most of D1, but let's go ahead and jump in. And Emily has pulled up our current working document. Again, similar to our Phase 1A work, the formatting of the document and the details will be the same here. So let me go ahead and read the charter one specifically, and then we can get into it with any comments or anything.

Okay, D1 charter question, according to the transfer policy scoping team report, change of registrant policy does not achieve the stated goals. And again, those goals being trying to limit hijacking or theft and being standard across the Board and increasing the security level of that. So I think those are the big three anyway.

Let me continue. And it's not relevant in the current and future domain ownership system. To what extent is this the case and why? Are the stated goals still valid? If the change of registrant policy is not meeting the stated goals, and those goals are still valid, how should the goals be achieved?

So I think here, obviously, are the goals still valid? And I think that's the big question. And are there other goals that maybe are just as important here that we need to identify? But obviously, the change of registrant was brought about for that hijacking reason. So I think that the first question to the whole group is, do those

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goals still make sense? And if they do, we can continue on. But I think, again, the important thing is, okay, do the goals make sense? If they don't make sense, then maybe we have to take a step back and look at, are there different goals that we should have? And again, as we stated in the ICANN 74 session, does it make sense to have this policy? So I'll throw it open to the floor and say, do those goals still make sense? And can we work toward those goals? Can we create something that will support those goals? Theo, please go ahead.

THEO GEURTS:

For the majority, I think the goals still are not there, in my opinion, they never have been there. Doesn't mean that the entire policy is useless. I mean, there's some good stuff in it. The notification that you send out to the registrant that when a change has been made, a material change, I think that is a very useful one. We should definitely keep that one.

But the process itself that determines the material change and then when the registrant has to acknowledge it and new registrant has to acknowledge it, that is extremely cumbersome, that's also laid out earlier on, that ICANN staff noticed an increase in complexity, so to speak. And that has been going on for quite a while. Like I said, it can be very complex and confusing for registrants.

For the part that it prevents domain name theft, hijacking, I don't believe in it. First of all, we don't have the numbers. And we didn't have the numbers in 2015. And we still don't have them. Plus, [inaudible] already mentioned it. If the registrant is compromised,

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has lost control over his computer or email box, then this policy doesn't prevent it. If there's social engineering happening at a registrar level, which happened in the past, then this policy doesn't do anything also. So it's only maybe for a very small percentage that this policy has any effect. And if it has any effect, we don't know how much it is. It could be 0.001%. It could be 1%. We don't know, we have no idea. But we do know it's cumbersome and it's not very customer friendly. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. And I think that that's a good point that you bring up on the hijacking idea. I think that it's one of those where I think maybe it's anecdotal versus actually having the actual facts, that it seems like even the simplest idea that even you brought up there, Theo, of notifying the prior registrant and new registrant, even that notification provides some sort of mechanism. And it's hard to say that that's security or whatever, but it's a great feature of this policy. And does it stop hijacking Possibly. I get Theo's point. There's no numbers that show that either way, but it seems logical that it would. But we just don't know that fact. Any other comments? Theo, please go ahead.

THEO GEURTS:

Yeah. So we do indeed do not have the numbers here. But we also need to recognize that when it comes to domain name theft, there is a big responsibility when it comes to the registrars, they need to make sure that domain name theft cannot occur on several levels they have control over. But also—and this is what we don't talk about—is the issue of the registrant.

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There are domain name investors, and I only know a few of them, who definitely make a risk assessment on how likely domain name theft can occur. And if they have a high level, if they made assessment and they come up with that there's a higher level, very valuable domain names, those domain investors will take action and make sure that they choose the safest registrar that there is, in addition to, some of these domain name investors, they are even willing to pay sometimes very nice, high fees for extra security like commercial registry locks, etc.

And I think registrants in general need to make that assessment to determine how high is my level of risk here, and that should be guiding for registrants to take extra precaution so to speak, to make sure the domain name theft cannot happen. And that is not only happening at a registrar level, but on a personal level also, or at a company level, where you make sure the domain name theft cannot occur that easily because at some points, some instances, some of these domain name thefts are so simple to carry out there is no ICANN policy that could have prevented that. Thanks.

ROGER CARNEY: Great, thanks, Theo. Lutz, please go ahead.

LUTZ DONNERHACKE: I am still curious about this argument that if you consider your domains valuable, you have to pay for in order to get it secure. That can't be the way forward for this group here. This means that we drop all the security levels in general so that it's easier for other people to do their business on the expense of the ordinary

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domain holders, which is a majority of domain holders worldwide. They do not consider their domain as valuable in the terms that they have to provide an extra security level and pay for, they just use it. And we can't go further this way and say you are lost if you do not pay for an extra security level because we want to make it easier for some business. Thanks.

ROGER CARNEY:

Great, thanks, Lutz. And I don't know that Theo was talking about you have to necessarily pay for it. But obviously, different registrars have different business models. And some provide that. I'll let Theo respond. Please go ahead.

THEO GEURTS:

Thanks. [In general, I support what Lutz says.] My point is, however, we as a working group cannot come up with all kinds of policies to make sure that the domain name can never be hijacked. If we go that route, then become a bit of policy that no domain name can ever be transferred. Like saying I don't want to get attacked on the Internet so I'm going to unplug from the Internet. That is not a solution. I mean, we all want to have the benefit from the Internet. But we also must accept that there are dangerous situations, there is risk involved in operating a domain name or operating on the Internet.

And in my opinion, registrants, like Lutz just stated, usually have no idea how valuable the domain name is, until a domain name has been stolen. And then people start to realize, "Oh, I could have done a lot more to protect myself." So my reasoning, my

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logic is, we can come up with policies all we want but we're going to make the process much more complicated while registrants should be more aware of risks involved and should take security measurements to mitigate any potential issues. One of them could be changing registrars to a registrar that has security, maybe as a business model, or a registrar that offers other commercial solutions, like registry locks that are available. But a lot of registrants are not even aware that those things exist. And that is a problem. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Yeah. And I'll just throw in, when you look at the final issues report, I think you definitely see the frustration more from the registrant than from the registries or registrars. The registrant is not necessarily understanding, as Theo mentioned, not necessarily understanding, but just wondering why they have to jump through so many hurdles to try to move their name, possibly. So, again, it's not necessarily transfer, because change of registrant may be as simple as just providing it to the next chain of command wherever they work, or whatever.

So I think that the feeling I have when I look at the issues report is this is definitely a registrant sticking point, and again, I think it's a bigger issue for the registrants than the registrars. So I think, keep that in mind as we are trying to solve a registrant issue here, not making it easier necessarily. If that happens, that's fine. But we're not looking at this to make it easier on a registrar or registry, we're trying to make this more logical for the registrant. Okay. Any other comments on that?

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So again, the goal—that's interesting, because Theo brings up and it's still—and I think [Owen] even mentioned it in chat, the goal of hijacking. Yeah, I don't know that we—as Theo said, we don't have numbers for it. Obviously, when you look at the issues report, Compliance did mention that the number of complaints into Compliance went up when change of registrant went into place. And that wasn't about hijacking or anything, that was about the process.

So again, it goes back to thinking about this being a registrant problem that we're trying to solve here. So any other comments on that? Okay. There was a poll put together. So I think that we'll walk through this poll real quick to maybe help us drive into some of these items a little bit more in depth, and maybe spur a little more conversation on it, but I'm not sure, Julie, are you driving the poll questions for us? There we go. Thank you.

Okay, so the first poll question, to what extent are changes to core requirements needed? Taking into consideration changes to landscape since IRTPC, available data and personal experience. No changes needed, only small adjustments are needed, significant changes are needed, there should not be a core policy, or no answer, don't know. And again, if anyone has questions here, let's get them answered before we actually answer the questions. And as prior, the poll questions are for the active members. The alternates don't need to answer this, just the active members.

Any questions? Does this make sense, what we're trying to look for here? You know, kind of a degree of easily no, it's not needed so we throw it out, or more of a degree—what are we looking at?

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Are we looking at a fairly major overhaul, or is it just some tweaks? So any questions on this question? Okay, let's spend a few seconds here and answer the question and then we can discuss the results.

Okay, can we see the results of that? Okay. There's a few people that aren't sure that the policy is needed at all. And maybe just slightly more thought some minor adjustments are needed. But the majority, more than half of the people thought there was a pretty significant amount—and again, obviously, what's a small adjustment or big adjustment? It's a little subjective. But looking at this, 80% of the group thinks, obviously, there's a need to make some adjustments to it if it's going to continue.

So I guess for those that answered there shouldn't be a core policy, maybe we can prompt those people to say why don't you think the core policy is needed or what do you see different in that? So if any of those people that answered that they don't think the core policy is needed, maybe they can provide some insight into their thinking there. Let's go ahead on to the next one.

I think that's kind of confirmation of what we were talking [inaudible] as well, is that most of the people thought, yeah, the policy makes sense but definitely some changes have to happen. And when you look at the issues report, it was fairly obvious that there should be changes, and is that drastic enough to be removable completely? I don't know. And it seems like we're kind of heading that way as well. So it sounds like, yeah, some changes are needed. So let's take a look at those.

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Question two, are the change of registrant goals discussed at ICANN still valid for the purposes of future policy work? All are valid, some are valid, none are valid, don't know, don't have an answer or want to discuss it further. Again, I think we obviously kind of touched on this a little bit today. And we've touched on it last time as well. Thanks, Emily, for sticking those into chat. And again, I think these were the three big things that we came up with. And again, we've talked about a little bit today, but do these calls make sense? Should we continue along? Should we update these goals as well if we're going to move forward with that? So any comments or questions on this question before we answer? Theo, please go ahead.

THEO GEURTS:

Yeah, I'm not going to comment on the last two, I've done enough of that. But when you talk about standardization across registrars, that is a big problem which we encountered during the initial IRT sessions in 2014-2015. And basically what came up every time—and there was a huge divide in how wholesale registrars are operating and how retail registrars are working. And that's just two business models. They are big ones, I know. But only those two business models were already conflicting so much with each other that coming up with a really good process was almost next to impossible. That's why we came up with the designated agent. And I noticed in the documents that there are some questions about the implementation and the use of the designated agent. But it was so very complex back in the day that we basically had a designated agent to perform as it performs today, due to the sheer amount of different businesses.

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So I said none of the goals are useful anymore. But again, those business models vary so wildly that it is almost next to impossible. So if you start to try to answer that question, it's going to be a very difficult one on how to do that. And we couldn't do it back in a day. And we spent a huge amount of time on it. The IRT consumed so much time. It became a very, very long IRT. It was one of the longest ones that I ever had. Thanks.

ROGER CARNEY:

Thanks, Theo. And just to be clear, when you say that the models may have prompted some of that, you're suggesting that that still exists today, there's still a big enough difference there that that's kind of probably not an achievable thing, right?

THEO GEURTS:

Right, because when the policy was concluded and we had extensive discussions during the session in Marrakech, I was leading one of those sessions and talking to the other registrars during that session at our events, points in time, it sort of dawned on me that the problem we were discussing during the IRT was actually much more diverse in reality, because I had like 20 registrars trying to implement it and ran into all kinds of problems with this policy, and going through their processes and their business models to come up with an implementation plan for those registrars, competitors of ours, it just made me realize, like, whoa, I wasn't even aware that your business model was doing this and this and how your technical implementation is actually an operational nightmare for you because you made choices like a decade ago on operational points there, and you now have major

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problems implementing this policy, which also resulted in the fact that we had some [deferrals] from Compliance on some stuff that we couldn't even develop or program. So this policy was pretty hitting on an operational level that even I couldn't imagine. So yes, it still exists today. Maybe even got worse, I don't know. Thanks.

THEO GEURTS:

reat. Thanks. So just to maybe summarize, Theo's thinking that these three goals probably don't make—obviously, security is kind of one that that's kind of a baseline, everyone wants more security. And I think Theo said earlier that obviously, he sees the benefit in the notification. So maybe Theo was really thinking maybe this is awareness or transparency of change more than anything else out of this policy. So I'll let Theo think about that. Rick, please go ahead.

RICK WILHELM:

Thanks, Roger. I would like to sort of basically say A plus one and a “yes and” to what Theo was saying, maybe phrase it in a slightly different way but that sort of echoes what he's saying. I think that some registrars might use their experience for change of registrant as a competitive differentiator, and might use that as a way to keep or win customers. Theo makes a sort of a macro point about the difference between wholesale and retail registrars, but even among retail registrar, there are different ones that specialize in different markets, corporate registrars, those that specialize in protecting intellectual property, as well as just regular registrars that cater to more of the average consumer, those that cater to domainers, things like that. And so I think that the notion

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of standardizing here, while it might sound good and look good on paper, it might actually be something that prevents and stifles innovation and improvement in the area. And so we should probably be careful there about what we're seeking to do. Thank you.

ROGER CARNEY:

Great. Thanks, Rick. Yeah, and that's a good point that when you start talking about it, is some registrars—and I think maybe what Lutz was bringing up earlier, is there a baseline minimum across the board that should be carried? And maybe there's not, maybe there's just not that helps here. Or maybe there is and that's simply awareness of the process that's occurring, or again, whatever it gets called, transparency or whatever, that something is changing. And maybe that's truly the baseline and it's not to standardize the process or standardize everybody has to provide two-factor or whatever it is, but maybe that is just baseline awareness that something is occurring. So thanks for that, Rick. Theo, please go ahead.

THEO GEURTS:

And when you talk about a baseline—and just slightly going off topic, you do notice that certain registrars are actually using security as a selling point. Indeed. I mean, it's the same with the car industry, passenger safety, driver safety. In the early days, in the '50s and '60s, car safety was a non-issue that didn't exist there, until they started doing that. And then they noticed customers were actually wanting a more secure car. So we know now the cars nowadays, they've got safety options all over the

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place, because it's a selling point. And we're heading into the same direction. Thanks.

ROGER CARNEY:

Great. Thanks, Theo. Yeah, good analogy there, Theo. And I think that to one of Lutz's comments, it's like you don't want to tell registrars if you want to be safe, you have to pay another \$100 for your domain or anything. But to your point, we have seen that in the industry quite a bit, that some of these items may have been eight years ago, even six years ago, a fee for them that are now free. And it's just becoming, as Rick mentioned, just a differentiator. And from the different models, even not just retail or wholesale, but within any one of those, that those security features, as you mentioned, Theo, in cars, the first cars that had airbags, there was a charge for them. And now there's not even a thought on them. They all come with airbags. So it's something to keep in mind. And again, I think, is there a baseline? I think there is, and I think that we can make it so that a policy—again, maybe it's not these goals, but a policy that makes sense to make sure that people are aware of changes occurring to their digital assets. Any other comments, questions?

Okay, so let's go ahead and show the results on that one. Some thought they were valid, a good chunk, a third of them. Some valid, 50%. And I think Theo is at least one of those that none are valid. And I think that the idea here is—I think it goes along with the first question as well, is I think that there's agreement that there should be something written here. But what those goals really are—and again, a goal of hijacking is hard, because if that's a goal, how do you prove it? And we haven't proven it, as Theo

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mentions, for six or seven years. Anecdotally, maybe we can say, yes, it's better, but we don't have any numbers to show that.

So I think again, this, to me, helps, ties into that question one where, okay, something here is important to make sure we address, but maybe not these items here. Okay, any other comments, questions on this? Anyone want to talk to any of these?

Okay, let's go ahead and jump into the next question. Should the working group further explore the proposal to apply principles and processes developed in Phase 1 to the change of registrant? Emily, please go ahead.

EMILY BARABAS:

Thanks, Roger. Maybe it's helpful to provide a little context, because it's sort of shorthand, but during the ICANN 74 session, a couple of people raised the idea that perhaps change of registrant should be considered sort of one use case under the broader umbrella of transfers in general. And if that's the case, it might be helpful to look at some of the things that were done in phase 1A. For example, increasing certain security measures, replacing—FOA in the case of Phase 1A with notifications and kind of looking at that model and seeing if there's a way to adapt it to change of registrant and still sort of bring over the values and security principles that were considered there and see if they can be applied to a process for change of registrant. So that's what the question is asking, is, should the group further explore that as a possible way to approach change of registrant going forward? Thanks.

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ROGER CARNEY:

Great. Thanks, Emily. Yeah, and I think that to that point, in Phase 1A, we made a lot of hard decision points more into notifications, so that everybody's aware, again, of what's going on. And to the point, the security principles, are we adding anything to it that we didn't in phase one?

So, to this question here, do we look at those same things? Are there other things we should look at? Do we apply those for phase 1B as well? Something Emily mentioned when she started talking there was on the lines of, should it be just a section of transfer itself? And it's like, okay, that's an interesting one, I think, because a lot of times a change of registrant does occur. And today, obviously, every inter transfer is a change of registrant even if that data is the same. There's no way to verify that.

But I think that that's important differences. Yeah, a lot of times a change of registrant ends up inter transfer. But obviously, there's a lot that don't. And I think some of that will come down to our discussions around material change as well. So I think the point here in this question, as Emily mentioned, is, do we need to apply those same principles of, okay, do we soften this and make it a notification versus a consent or whatever it is? Do we look at security principles that we could add to it? I think that's this question. Any comments on this before we answer? Okay, go ahead and take a little bit and answer the questions, and we'll discuss.

Okay, you see the results? Right. So yeah, strong response here to continuing the same basic principles that we applied through

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the first Phase 1A. A few people obviously answered no to that. I'll invite anyone that wants to talk to this. And maybe some of the noes thought they just aren't applicable here or whatever. Theo, please go ahead.

THEO GEURTS: I voted no because of when we were discussing the transfer process itself, we made improvements there which made sense, we were able to up the security to a certain extent, which I felt very comfortable with, but this was discussing a transfer process. What we are talking here is the change of registrant process to prevent domain name theft. And I'm of the opinion you can't solve that. We couldn't do it back then, we can't do it now. So that's why I said no. Thanks.

ROGER CARNEY: Thanks, Theo, for that. Rick, please go ahead.

RICK WILHELM: Thanks, Roger. Maybe same outcome as Theo, maybe a little bit different reason. I think one of the things that is very common is the conflating of the change of registrant with the inter registrar transfer. And I think that even having them bundled here in this discussion is different very difficult. While it's true that there are many times when a domain gets resold, when a registration gets resold, there is something that happens very close together, which is a change of registrar and a change of registrant, statistically, most of the time, inter registrar transfers and a change of

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ownership does not happen at the same time. And I think that keeping them apart in our minds would be better and cleaner.

And so I think that by talking about them and having them worked on so closely together, we risk that kind of conflation. And so that's kind of the main reason that I'd like to keep them separated here. I will also say that it's true that it can be hard to tell when a name gets transferred from one registrar to another if ownership of the registration does change between "legal entities" because of the way that contracts work, but in "real life," I think that most transfers are just a registrant seeking to move a domain from one registrar to another. Thank you.

ROGER CARNEY:

Great, thanks for that, Rick. And I agree, I think it's even one of the questions that's in the issues report, is trying to make sure that, obviously, that does occur that both happen at same time, but they are two different things and discussing them as a separate is important. Any other comments, questions on that?

Okay, let's go ahead and go to the next question. All right, our fourth question, is the definition of what constitutes a change of registrant still appropriate, or should it be changed? it gets back to the heart of the material change idea. And I think there was, in the current policy, there's three or four big items, that, if the name and the address are being changed significantly. And there's a carve out for where it's not a material change. If you change maybe Bob to Bobby or to Robert, is that a material change? Can you enforce that?

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But if an email changes today, that's a material change. So I think this question is getting at, are those still appropriate boundaries of material change? Or do we need to update that to a material change? And I think that this is a little hard because I think the action of what a material change does can impact what the definition of the material change, so the harder or bigger the impact, maybe material change is defined differently than if the action is softer or less severe, maybe the material change doesn't have to change as much. But again, just thoughts out there.

So I think that again, this gets back to—thanks, Owen. That's interesting. But again, I think this gets to—questions on this one? Okay, let's go ahead and—yeah, sure. Thanks, Keiron in the chat. Thanks, Owen. Thanks, Emily.

Okay, so let's go ahead and answer the question with the information highlighted here and what's in chat, using that as the background. Again, so the answer [inaudible] still appropriate, this idea here needs to be changed, or no answer, don't know. Let's take a few seconds to answer the question and then we'll discuss.

Okay, let's go ahead and see the results there. Okay, so a fairly good split there. 38% thought still appropriate, but a larger chunk of 62% thought that some changes needed to be made. And I think that obviously, when you look at the issues report, [inaudible] see this as well, the comments coming in.

One of the things I saw, I think it was from Compliance, or I don't remember who actually posted it, but it was someone comes in to transfer their name, let's say, and they realized that their email is different than they've been using for the last three months. And it's

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like, so they update it, and now they're locked. So it's one of those where it's like, okay, does that still make sense? Is there a mechanism we can put around that to verify that somehow? I don't know. But I know that that was a big issue, compliance or customer service issue. So Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Roger. Yeah. So I think this is just a whole hot mess that really needs a big look taken at it. Some things just, for me, when I was at Compliance, and when I was at a registrar and trying to explain this to other people, just didn't make any sense. So if you change your organization name, it's not a material change. But if you change your organization name and your address, then it is a material change. If you change your registrant's name, that may not be a material change, but if you add the email address, it is. But if you change the phone number and the name, that may not be material. There's so many different complexities in there that I just couldn't wrap my head around, and trying to flowchart that to explain to people is a lot.

And then also, correcting a typographical correction—I may not necessarily be speaking for my company here, but trying to code for what is and is not a typographical correction is extraordinarily difficult. I don't think it's something that can be automated, I think it's something that requires manual review. So that's kind of tough, and also, how much of a typographical change is there. So it's pretty broad out there.

I do think one thing to point out, though, is that the change to the email address, that was one that was considered a really big one

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when the change of registrant came into effect, I guess that was in 2015 that Theo was talking about this was being done. And that was because there was still the requirement of doing the losing FOA in order to effect a transfer.

And the problem we ran into is a lot of people just didn't have access to that email account anymore and so they weren't able to do the transfer because of that. Assuming that we move forward with getting rid of that gaining FOA, then that may not be as big of a deal because there's no losing FOA or there's other ways to get that information sent out. But we do need to be cognizant of the fact that a lot of people are frustrated that they changed their email address, then they're stuck with a 60-day lock, and there's no way to undo it, because as it is, it's not required that the lock be opted out of. So there's a lot of frustration involved with that. Thanks.

ROGER CARNEY:

Great. Thanks, Owen. And yeah, you touched on quite a few of the experiences that I've heard of as well. And again, I think I go back to what I said when we started this question, is I think material change is kind of impacted by the action that we take. If we have a 60-day lock and you can't get out of it or whatever, that seems like it's a big impact. And maybe you only changed your phone number or whatever, your phone number and your initial or whatever, flagged it as material change, and it seems like a big impact for 60 days to be locked. But if we got to, well, maybe it's locked for 10 days or 30 days and if the registrar and registrant agree to it, they can actually remove the lock. Now if there was something like that, maybe material changes still, any one of

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those things, but now the impact is controllable and you can actually take a softer action on it. So just my thoughts out loud. Theo, please go ahead.

THEO GEURTS:

So only typographical correction. We put that in back in the day because A, we didn't think it would hurt. Maybe in the future, some registrars could actually do this. And going back to the maybe somebody can do this, that was sort of the thinking back then, maybe it helps to make this policy a little bit more digestible if we put it in, it wouldn't hurt anybody. So that's a little bit of the reasoning behind it. But yes, you can still do it. Thanks.

ROGER CARNEY:

Great. Thanks. And something Owen put in chat that I think is important too. A lot of transfers occur—how many, I don't know off the top of my head, but a lot of them occur around expiration. And that action of a 60-day lock is pretty heavy, especially when you're talking about around expiration, and you're talking about maybe days or even weeks of time if you're lucky, to get that moved over. So I think that's important.

I think something else Owen and brought up when he was talking was obviously, we made changes to the losing and gaining FOA and made it more forward looking, that email is not a requirement. And maybe that dictates this too, is maybe the email address is not as important as it used to be. So it's something to think about.

Okay, any other comments or questions on this? Again, I think that when we look at this, some of the items are still probably—a

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big thing was that there are some changes needed. So I think that when we get to it, we'll actually work through those. But I think that we're looking at some changes there.

Okay, let's go ahead and go on to question five. Something we've kind of touched on a little bit earlier. Should the change of registrant be a standalone policy or continue to be part of the transfer policy itself? So the responses, change of registrant requirements should continue as part of the transfer policy, should be a standalone, this question should only be considered after other charter questions are answered, or no answer, don't know.

Again, I think that trying to drive to the separation of the idea—Rick kind of brought this up, let's talk about it separately. Now, does it need to actually be a separate policy? That's this question. But we obviously need to talk about them separately. And in conjunction, because we know that that happens. But should it be its own policy, or should it continue to be embedded within the transfer policy?

And I invite anyone that was part of this that actually combined it. And I don't remember, was it IRTPC that did this? I can't remember which one it was. But any of the reasons of throwing this in there, not creating a new policy, would be good to know as well. Any comments, questions before we answer this? Okay, let's go ahead and answer it. And I'll give everybody a little time and then we'll discuss it.

Okay, let's go ahead and see the results, please. Okay, fairly even split. It looks like more people thought it should be standalone but a good number thought, well, let's answer this once we get

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through the questions. And maybe it's a good way to look at it. I wasn't even thinking of that, to be honest. But I think that's pretty appropriate, especially if we end up making some pretty good changes to it. And maybe it does make sense to leave it in, or maybe if we're making some bigger changes, maybe it does make sense to have it on its own.

But it seems like—it's interesting, because the third question kind of levels out the first two—or answers I should say. So I think that yeah, I think we get to this answer as we progress. And then it'll be interesting to see those that thought it should be standalone and maybe we end up leaving it. It'll be interesting for those to see how that progresses in the opposite as well. So, any other comments or questions on this one?

Okay. Well, thank you. I think that was the last poll question. So I think that walked us through a lot of the D1, the first three charter questions, D1 through D3. But we'll get into those. I think that helps us drive into what we're thinking today. So I think it'll help us drive into the discussions of each one of these.

Looks like we have about eight minutes. So I think we'll cut it off here for today and start back thinking about the questions here and as they relate. We'll touch on these first three next week as well and maybe get into a little more depth on them if we need to.

But I think thinking about those poll questions [inaudible] the comments too, did it drive anything for these first three? So think about those. And we'll get back to D1 through D3 on our next call. And hopefully, we can probably get those wrapped up as we had a good discussion here. Thanks, Julie. Our next call is July 5<sup>th</sup>,

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same time. Any other comments or questions before we conclude?

All right, so just one from me. We did a great job with phase 1A and we got it out on time because we worked well together. So I think that our goal here is let's finish 1B early and get it done and prove to everybody that we can work these things through quickly. Thanks, everyone.

JULIE BISLAND:

Thank you, Roger. Thanks, everyone, for joining. This meeting is adjourned. Have a good rest of your day.

**[END OF TRANSCRIPTION]**